IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MS JUSTICE G.ROHINI
WRIT PETITION NO : 15020 of 2004

Between:

Vendela Ramamuni Reddy, s/o Peddamuni Reddy,
R/o D.No.28/442, Rameswaram Village, Proddatur Mandal,
Kadapa District.

.....
PETITIONER

AND

1 The Executive Officer, Group Temples I, Proddatur Town,
Kadapa District.
2 Deputy Commissioner, Endowments Department, Kurnool.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction mostly one which is in the nature of writ of Mandamus directing the 1st respondent to execute and register the sale deed in favour of the petitioner for selling the land admeasuring Ac.2.26 in survey No.273/1 of Rameswaram Village, Proddatur Mandal, Kadapa District in accordance with the G.O.Ms.No.643 Revenue (Endowments II) Department dated 20-9-2000 immediately by declaring the inaction in execution of the registered sale deed as illegal, irregular, arbitrary, unconstitutional, unjustified and unsustainable.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondent No.1: MR.V.VENUGOPAL RAO

Counsel for the Respondent No.2: GP FOR ENDOWMENTS

The Court made the following :

ORDER:

The petitioner seeks a writ of Mandamus directing the 1st respondent to execute and register the sale deed in his favour in respect of the land admeasuring Ac.2.26 cents in Survey No.273/1 of Rameswaram Village, Proddatur Mandal, Kadapa District in accordance with the G.O.Ms.No.643 Revenue (Endowments II) Department, dated 20-09-2000.

The petitioner states that he has been in possession and enjoyment of the land belonging to Sri Mukti Ramalingeswara Swamy Temple, situated in Survey No.273/1 and 255/2, Rameswaram Village, Proddatur Mandal, Kadapa District as cultivating tenant for the past 25 years and that he never committed any default in payment of rents. In the year 1998, when the 1st respondent- Executive Officer, Group Temples I, Proddatur Town, Kadapa District, made a proposal for sale of the above said lands at the prevailing market value, the 2nd respondent-Deputy Commissioner, Endowments Department, Kurnool, by proceedings dated 22-08-1998, recommended the sale of the land to the cultivating tenants. After receipt of the necessary permission from the State Government, the Commissioner, by proceedings dated 12-12-2000 permitted the 1st respondent to sell the land to the petitioner otherwise than by public auction. In pursuance thereof the 1st respondent directed the petitioner to pay a sum of Rs. 1,58,200/- towards the sale consideration and to get the sale deeds registered. However, the petitioner could not make the payment immediately due to severe drought being faced for the last 4 years. Ultimately, the sum of Rs.1,58, 200/- was paid on 06-08-2004, which

was acknowledged by the 1st respondent-Temple. The grievance of the petitioner is that having received the amount, the 1st respondent has not executed the sale deed and has been postponing the registration on the pretext that in view of the news item published in daily newspaper that the temple lands are being sold at lesser rates he has to obtain necessary instructions from the 2nd respondent. Hence this writ petition, questioning the said action of the 1st respondent.

In pursuance to the notice issued by this Court, a counter affidavit has been filed on behalf of the 1st respondent. The Executive Officer who has sworn to the counter affidavit, stated that the petitioner has paid the sale consideration of Rs.1,58,200/- in pursuance of the notice issued by the 1st respondent dated 02-08-2004, calling upon the petitioner to pay the sale consideration. However, the petitioner failed to pay the interest on the belated payments. He sought time for making the said payment, but surprisingly filed the writ petition without there being any cause of action for the same. On the basis of the said counter affidavit, the learned Standing Counsel appearing for the 1st respondent-Temple contended that the writ petition is misconceived, and is liable to be dismissed. On the other hand, the learned counsel for the petitioner submits that the petitioner has already paid the sale consideration and he is also willing to pay the interest as per the letter of the temple dated 12-07-2004 and therefore, it would be appropriate to direct the 1st respondent-Temple, to communicate the amount payable towards interest and to execute the sale deeds soon after the receipt of the interest on belated payments.

As can be seen from the material on record, there is no dispute about the fact that the petitioner has paid the sale consideration and the same has been received by the 1st

respondent-Temple without raising any objection. However, it appears that as per the letter of the 1st respondent dated 12-07-2004, the petitioner was also directed to pay the interest since there was delay in payment of the sale consideration. The petitioner pleads that the interest will also be paid by him as soon as the sum payable towards interest is communicated.

In the circumstances, I deem it appropriate to dispose of the writ petition, with a direction to the 1st respondent, to ascertain the interest payable and to communicate the same to the petitioner in which event the petitioner shall make the payment within two weeks from the date of receipt of such communication from the 1st respondent. Thereafter, the 1st respondent shall execute and register the sale deed in favour of the petitioner in respect of the land to an extent of Ac.2.26 cents in Survey No.273/1 of Rameswaram Village in accordance with G.O.Ms.No.643 Revenue (Endowments II) Department, dated 20-09-2000 expeditiously within three months from the date of receipt of payment. No costs.

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21-09-2004

Note: Issue C.C in one week.

B/o.

vs

To

1 The Executive Officer, Group Temples I, Proddatur Town, Kadapa District.
2 Deputy Commissioner, Endowments Department, Kurnool.
3 Two CCs to the G.P for Endowments, High Court Buildings, Hyderabad (O.U.T)
4 Two CD copies.